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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown above, with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: January 5, 2006

Signature:

Samantha Kameros
(Samantha M. Kameros)

Docket No.: REGIM 3.3-012
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Msika et al.

Application No.: 10/088,851

Group Art Unit: 1655

Filed: March 21, 2002

Examiner: M. C. Flood

For: USE OF A PLANT OIL PRODUCT AS AN
AGENT FOR INCREASING THE
SYNTHESIS OF SKIN LIPIDS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed December 5, 2005, setting forth a Restriction Requirement in the above-identified application. In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

I. Claims 61-85, drawn to a method for the treatment of a skin condition of a subject comprising administering an effective amount of a composition comprising at least one plant oil product selected from the group consisting of oil distillates of plant oil, unsaponifiable materials from plant oil, furan lipids of plant oil and mixtures thereof to the subject, and increasing the synthesis of skin lipids.

II. Claims 86 and 87, drawn to a method for the treatment of a skin condition of a subject comprising

administering an effective amount of a composition comprising at least one plant oil product selected from the group consisting of oil distillates of plant oil, unsaponifiable materials from plant oil, furan lipids of plant oil and mixtures thereof, wherein the plant oil product is an additive for humans and/or animals to the subject, and increasing the synthesis of skin lipids.

In response, Applicants hereby elect the invention of Group I, corresponding to claims 61-85. This election is made with traverse. Applicants respectfully submit that a search for the "invention" of Group I will necessarily require consideration of the subject matter of the "invention" of Group II since claim 86 contains all of the limitations of claim 61, plus an additional limitation, namely, that the plant oil product is an additive. Therefore, while the matters contained in the selected claims may be primarily classified differently, a search for both "inventions" should be co-extensive. Thus, no additional burden is created on the office by searching all of the claims of the pending application together.

Additionally, this restriction comes subsequent to Applicants' filing of an RCE. Prior to filing the RCE, Applicants had responded to an Official Action which was a rejection of similar claims (including an independent claim that was narrower than another independent claim because it included the recitation of an additive), wherein all of the claims were searched together. Thus, reconsideration of the requirement and examination of all the claims are respectfully requested and considered to be appropriate in this case.

In response to the requirement for an election of species, Applicants hereby elect unsaponifiable materials from plant oil, as recited in claims 61, 64, 67, 68, 71, 72 and 86.

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Applicants reserve the right to file a divisional application corresponding to the non-elected claims.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

Dated: January 5, 2006

Respectfully submitted,

By Samantha Kameron

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